

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75393 of 2022

Arising Out of PS. Case No.-405 Year-2022 Thana- AMARPUR District- Banka

Bibi Jaitun Wife of Late Md. Khalil @ Late Md. Jalil Resident of village -
Mahgama, P.S.- Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
22.07.2022, in connection with Amarpur P.S. Case No. 405 of
2022, F.I.R. dated 21.07.2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant
married his daughter namely Bibi Jainab three years before with
Md. Sakil and one child was born out of his wedlock. After
some years of marriage, the mother-in-law and husband of the
daughter of the informant started abusing and assaulted her over
trivial issues. On 21.07.2022, the informant got information
over his phone by the villagers that his daughter has been killed
by her mother-in-law and her husband and when he reached



there he saw the dead body of his daughter. It is firm believe of the informant that both the accused persons have killed her daughter by cutting her with axe.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case on the ground that the petitioner is mother-in-law of the deceased. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the husband of the deceased is in jail and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 405 of 2022, subject to the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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